
**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

In the matter of the application of **WISCONSIN
POWER AND LIGHT COMPANY**
for approvals pursuant to Sec. 32(c) of the Public Utility
Holding Company Act of 1935.

Docket No. 04-0174

**MOTION OF WISCONSIN POWER AND LIGHT COMPANY
FOR ENTRY OF A PROTECTIVE ORDER**

Wisconsin Power and Light Company (“WPL”), by its attorneys, pursuant to Section 404 of the Public Utilities Act (“Act”), 220 ILCS 5/4-404, and Section 200.430 of the Illinois Commerce Commission’s (“Commission”) Rules of Practice, 83 Ill. Adm. Code § 200.430, respectfully moves¹ for entry of a protective order with respect to confidential and proprietary data and trade secret information contained in materials to be produced in response to Commission Staff’s Data Requests, including, but not limited to, the Asset Sale Agreement of November 23, 2003. In support of its Motion, WPL states as follows:

1. Section 404 of the Act states that “[t]he Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity.” 220 ILCS 5/4-404.

¹ WPL is submitting itself to the Commission’s jurisdiction for the sole and limited purpose of securing a Commission Order as required under Section 32(c) of PUHCA

2. Section 200.430 of the Commission's Rules of Practice similarly authorizes the Commission to enter protective orders "to protect the confidential, proprietary or trade secret nature of any data, information or studies." 83 Ill. Adm. Code § 200.430(a).

3. The Commission Staff has served a Data Request on WPL that would require production of a copy of the Asset Sale Agreement ("ASA") between Dominion Energy Kewaunee, Inc. ("Dominion Kewaunee"), Wisconsin Public Service Corporation ("WPSC") and WPL. *See Data Request DB-10.*

4. The Commission Staff has to date served WPL with three (3) sets of data requests: DB-1 through DB-12 (served March 18, 2004); LAP-1.01 through LAP 1.15 (served on March 23, 2004); ENG 1-1 through ENG 1.14 (served on March 24, 2004).

5. WPL seeks proprietary treatment of the ASA specifically, and other documents it will produce in response to Commission Staff's Data Requests, which documents it will mark as "Confidential". WPL makes its request for proprietary treatment on the grounds that the ASA and other documents requested in discovery contain sensitive proprietary and trade secret information, including, pricing data, which if revealed, would place WPL at a competitive disadvantage in the procurement process for its contracts, possibly resulting in higher rates for its customers, and would place Dominion Kewaunee and its affiliates at a disadvantage with respect to their competitors. Illinois law affords such information protection from public disclosure. *See* 765 ILCS 1065/2 (Illinois Trade Secrets Act); 5 ILCS 140/7 (1)(g) (Illinois Freedom of Information Act).

6. In order to maintain the security and confidentiality of the ASA and other confidential documents, while providing the Commission and Staff the information necessary to evaluate its

application, WPL seeks protection for the ASA and various other documents designated “Confidential” it will produce in discovery through entry of a protective order prohibiting public disclosure of said documents, or making said documents available to interveners, third-parties or persons making data requests under the Freedom of Information Act.

7. WPL acknowledges that the Commission and Commission Staff are already prohibited under 220 ILCS 5/5-108 from publicly disclosing materials submitted in this docket, and further states that its purpose in filing this motion is not to limit Commission’s or Staff’s access to any information submitted in the subject docket.

WHEREFORE, WPL therefore respectfully requests that the Commission enter a Protective Order prohibiting public disclosure of the ASA and other documents produced in discovery designated as “Confidential”, or making said documents available to interveners, third-parties or persons making data requests under the Freedom of Information Act.

Respectfully submitted,

WISCONSIN POWER AND LIGHT COMPANY

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